

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**KADENCE KREI, legally known as  
KALEM KREI,**

**Plaintiff,**

**v.**

**STATE OF NEBRASKA,**

**And**

**DANNETTE R. SMITH, in her official  
capacity as CEO of the Nebraska  
Department of Health and Human  
Services,**

**And**

**JASON JACKSON, in his official capacity  
as Director of the Nebraska Department of  
Administrative Services,**

**Defendants.**

**Case No. 4:19CV3068**

**DEFENDANTS' MOTION TO  
DISMISS**

COME NOW Defendants, the State of Nebraska, and Dannette R. Smith and Jason Jackson, in their official capacities, through counsel, and file the instant Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(1) and (6).

Respectfully submitted this 17<sup>th</sup> day of October, 2019.

**STATE OF NEBRASKA, DANNETTE SMITH,  
AND JASON JACKSON, Defendants.**

By: DOUGLAS J. PETERSON  
*Attorney General of Nebraska*

By: s/ Stephanie Caldwell  
Stephanie Caldwell, NE # 22994  
*Assistant Attorney General*

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Attorneys for Defendants.

**CERTIFICATE OF SERVICE**

I hereby certify that on October 17, 2019, I electronically filed the foregoing document with the Clerk of the United States District Court for the District of Nebraska, using the CM/ECF system, causing notice of such filing to be served upon all parties' counsel of record.

By: s/ Stephanie Caldwell  
Stephanie Caldwell, #22994  
*Assistant Attorney General*